



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, OCTOBER 18, 2007

Invocation: Evangelist Jackie Johnson, Agape Christian Ministries

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 18, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:28 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of October 11, 2007.
The minutes from the meeting of October 11, 2007 were approved.
2. Approve an ordinance authorizing negotiation and execution of an Economic Development Agreement and creating an economic development program for HELIOVOLT CORPORATION, including but not limited to the following components: annual economic development grants to HelioVolt Corporation equal to 60% of the incremental property tax generated by Heliovolt's investment for a period of 10 years; HelioVolt Corporation will lease a 120,000 square foot building and make a minimum of \$8 million in leasehold improvements; make \$72 million in machinery and equipment purchases over a five-year period; and the creation of at least 168 jobs. Estimated amount of economic development grants over a 10 year period: \$607,017.
Ordinance No. 20071018-002 was approved.

Item 3 was pulled for discussion.

4. Approve a resolution appointing Mayor Will Wynn, Mayor Pro Tem Betty Dunkerley, Council Member Lee Leffingwell, Council Member Mike Martinez, Council Member Jennifer Kim, Council Member Brewster McCracken, and Council Member Sheryl Cole to the Board of Directors of Reinvestment Zone # 17, City of Austin, TX, a Tax Increment Financing Reinvestment Zone (Waller Creek Tunnel Project.)
Resolution No. 20071018-004 was approved.
5. Approve an ordinance authorizing acceptance of \$180,315 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, Infectious Disease Control and Intervention Branch, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating

Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$180,315 for a total grant amount of \$408,315 for the Community Immunization Program, and create two full time equivalent grant positions for a total of five. Funding is available from the Texas Department of State Health Services, Infectious Disease Control and Intervention Branch. The grant period is from October 1, 2007 through September 30, 2008. No City match is required.

Ordinance No. 20071018-005 was approved.

6. Authorize execution of an Interlocal Agreement between the City and Travis County for the delivery of public health services, including animal control and shelter services, on behalf of Travis County by the City of Austin Health and Human Services Department for the initial term of October 1, 2007 through September 30, 2008, in an amount not to exceed \$2,633,397 and providing for up to four 12-month renewal terms. First year funding is available from Travis County. Recommended by the Public Health and Human Services Subcommittee. Related to item #7.
The motion authorizing the execution of an interlocal agreement between the City and Travis County was approved.
7. Approve an ordinance authorizing acceptance of \$459,611 in additional funds from TRAVIS COUNTY; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$459,611 for a total of \$2,633,397 to provide public health and animal services to Travis County, and restoring two full-time equivalent positions for a total of 30. Funding is available from Travis County. The initial term of the agreement is October 1, 2007 through September 30, 2008. Reviewed by the Public Health and Human Services Subcommittee. Related to item #6.
Ordinance No. 20071018-007 was approved.
8. Approve an ordinance repealing and replacing Ordinance No. 20070809-060 by correcting the Otis Spunkmeyer name in the ordinance to Otis Spunkmeyer, Inc. and nominating the proposed Otis Spunkmeyer, Inc. production expansion to the Economic Development and Tourism Division of the Governor's Office as an Enterprise Project under the Texas Enterprise Zone Act; identifying possible local incentives; and designating a city liaison for communication with interested parties.
Ordinance No. 20071018-008 was approved.
9. Approve an ordinance amending the Fiscal Year 2007-2008 Financial Services Department Capital Budget of Ordinance No. 20070910-004 to transfer \$2,655,000 to the Library Department Capital Budget; and amending the Fiscal Year 2007-2008 Library Department Capital Budget of Ordinance No. 20070910-004 to appropriate the \$2,655,000 transfer from the Capital Improvement Program (CIP) Contingency Program for the Twin Oaks Branch Library Replacement project. Funding is available in the Fiscal Year 2007-2008 CIP Contingency. Related to item #19.
Ordinance No. 20071018-009 was approved.
10. Approve execution of a contract with KEYSTONE CONSTRUCTION INC. for replacement of the Zilker Park Irrigation Pump Station, in the amount of \$327,000 for the Base Bid, with no alternates for a total approval amount of \$327,000. Funding is available in the Fiscal Year 2007- 2008 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 13.76% MBE and 13.15% WBE subcontractor participation.
The motion authorizing the execution of a contract with Keystone Construction Inc. was approved.
11. Approve an ordinance amending the Fiscal Year 2007-2008 Financial Services Department Capital Budget of ordinance No. 20070910-004 to transfer \$1,650,000 to the Parks and Recreation Department

Capital Budget; and amending the Fiscal Year 2007-2008 Parks and Recreation Department Capital Budget of ordinance No. 20070910-004 to appropriate the \$1,650,000 transfer from the Capital Improvement Program (CIP) Contingency Program and \$930,000 from an Interlocal Agreement with Austin Independent School District for a total amount of \$2,580,000 to the Austin Tennis Center project. Funding in the amount of \$1,650,000 is available in the Fiscal Year 2007-2008 CIP Contingency and funding in the amount of \$930,000 is available from an Interlocal Agreement with Austin Independent School District. Related to item #18.

Ordinance No. 20071018-011 was approved.

12. Approve a resolution authorizing the extension of line of duty injury leave at full pay for Austin Police Department Officer Adam Adams. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department.

This item was postponed to November 1, 2007.

13. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to reimburse the Travis County Sheriff's Office for peace officer overtime hours incurred while working on Human Trafficking cases as part of the Austin/Travis County Human Trafficking Law Enforcement Task Force, in an amount not to exceed \$40,000. Funding is available in the Fiscal Year 2007-2008 Special Revenue Fund of the Austin Police Department from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program. Related to item #14.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.

14. Approve an ordinance authorizing the application and acceptance of \$224,632 in renewal grant funds from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program; and amending the Fiscal Year 2007-2008 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$224,632 for the Austin/Travis County Human Trafficking Task Force. Funding is available from the Bureau of Justice. An in-kind match of \$272,390 is included in the Fiscal Year 2007-2008 operating budget of the Austin Police Department. Related to item #13.

Ordinance No. 20071018-014 was approved.

15. Approve a resolution authorizing the fee simple acquisition of Lot 6, Block C, Onion Creek Forest, Section 1, a subdivision in Travis County, Texas, located at 5300 Sand Hill Drive from Beth N. Lewis for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project in the amount of \$49,000 for the land and improvements and \$40,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$99,900. Funding in the amount of \$99,900 is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

Resolution No. 20071018-015 was approved.

16. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Parker Lane/Metcalf Road Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a two part 289 square foot permanent wastewater line easement and a two part 478 square foot temporary working space easement all out of the Santiago Del Valle Grant, Abstract No. 24, in the City of Austin, Travis County, Texas, in the amount of \$2,012. The owner of the needed property interests is Shire's Court, LTD., a Texas limited partnership. The property is located at 18100 Carlson Drive, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

This item was withdrawn.

17. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle SSO - West 5th and 6th Street Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 100 square foot temporary working space easement out of the Plat of Terrace Park, a Subdivision of Lots 6 and 7, Outlot No. 3, Division "Z", City of Austin, Travis County, Texas, in the amount of \$1,165. The owner of the needed property interest is E. Jeannie Navarro. The property is located at 1412 West 6th Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
This item was withdrawn.
18. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the Austin Tennis Center in the amount of \$3,377,603 plus a \$150,000 contingency, for a total contract amount not to exceed \$3,527,603. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts. 15.46% MBE and 4.24% WBE subcontractor participation. Recommended by the Zoning and Platting Commission. Related to item #11.
The motion authorizing the execution of a construction contract with Southwest Corporation was approved.
19. Authorize execution of a construction contract with WILLIAMS and THOMAS, L.P. dba JAMAIL and SMITH CONSTRUCTION, Austin, TX, for the Twin Oaks Branch Library in an amount of \$3,416,972 plus an \$83,028 contingency for a total contract amount not to exceed \$3,500,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Library Department. Lowest of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.33% MBE and 14.42% WBE subcontractor participation. Related to item #9.
The motion authorizing the execution of a construction contract with Williams and Thomas, L.P. dba Jamail and Smith Construction was approved.
20. Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LP, San Antonio, TX, for the Martin Luther King Jr. Boulevard Street Reconstruction and Utility Adjustments from Lamar Boulevard to Rio Grande Street Project in the amount of \$5,999,456.89 plus a \$419,961.98 contingency, for a total contract amount not to exceed \$6,419,418.87. Funding in the amount of \$3,150,029.36 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department and funding in the amount of \$3,269,389.51 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility Department. Only one bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 12.90% MBE and 12.60% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Texas Sterling Construction, LP was approved.
21. Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION CO., San Antonio, TX, for the Cesar Chavez Two Way Conversion Project from San Antonio to Brazos in the amount of \$6,624,041.50 plus \$331,202.08 contingency, for a total contract amount not to exceed \$6,955,243.58 Funding in the amount of \$6,549,148.58 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department which includes \$2,400,000 in Federal Funds administered by the

Texas Department of Transportation. Funding in the amount of \$256,095 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Funding in the amount of \$150,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue. Only bid received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goal with 7.19% DBE subcontractor participation. Recommended by the Urban Transportation Commission, the Downtown Commission, the Design Commission, and the Parks Board. **The motion authorizing the execution of a construction contract with Texas Sterling Construction Co. was approved.**

22. Authorize negotiation and execution of a professional services agreement with JACKSON AND RYAN ARCHITECTS, Houston, TX, for architectural services for the new animal shelter in an amount not to exceed \$1,500,000. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Health Department. Best qualification statement of eight statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 27.0% MBE and 20.5% WBE subconsultant participation. Not recommended by the Animal Advisory Commission. **The motion authorizing the negotiation and execution of a professional service agreement with Jackson and Ryan Architects was approved.**
23. Authorize negotiation and execution of a professional services agreement with the following 18 firms: MCGRAY and MCGRAY LAND SURVEYORS, INC. (WBE/FR 69.30%), Austin, TX; SURVEYING and MAPPING, INC., Austin, TX; MWM DESIGN GROUP (MBE/FH 69.30%), Austin, TX; MACIAS and ASSOCIATES, L.P. (MBE/MH 69.30%), Austin, TX; LANDMARK SURVEYING, INC. (WBE/FR), Austin, TX; CARTER and BURGESS, INC., Austin, TX; C. FAULKNER ENGINEERING, Austin, TX; ZAMORA-WARRICK and ASSOCIATES, L.L.C. (MBE/MH 69.30%), Austin, TX; BAKER-AICKLEN and ASSOCIATES, INC., Cedar Park, TX; PBS and J, Austin, TX; I.T. GONZALEZ ENGINEERS, (MBE/MH 69.30%), Austin, TX; BURY+PARTNERS, INC., Austin, TX; LENZ and ASSOCIATES, INC., Austin, TX; CANALES, MARTINEZ and NASH SURVEYING CO. (MBE/MH 69.30%), Austin, TX; SURVCON, INC., Austin, TX; RODS SURVEYING, INC., Austin, TX; THE WALLACE GROUP, Austin, TX; and TERRA FIRMA LAND SURVEYING, Austin, TX for surveying services for a period of two years or until financial authorization is expended, in an amount not to exceed \$3,000,000, with a total of the 18 agreements not to exceed \$3,000,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget and/or Operating Budget of the Public Works Department and various other departments for which services are needed. Best eighteen qualification statements of twenty-four statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals of 16.5% MBE and 14.2% WBE subconsultant participation. **The motion authorizing the negotiation and execution of a professional services agreement with the following 18 firms was approved: McGray and McGray Land Surveyors, Inc. Surveying and Mapping, Inc., MWM Design Group, Macias and Associates, L.P., Landmark Surveying, Inc., Carter and Burgess, Inc., C. Faulkner Engineering, Zamora-Warrick and Associates, L.L.C., Baker-Aicklen and Associates, Inc., PBS and J, I.T. Gonzalez Engineers, Bury + Partners, Inc., Lenz and Associates, Inc., Canales, Martinez and Nash Surveying Co., Survcon, Inc., Rods Surveying, Inc., The Wallace Group, and Terra Firma Land Surveying.**
24. Authorize negotiation and execution of a professional services agreement with the following six firms: LAURIE SMITH DESIGN ASSOCIATES, (WBE/FR), Austin, TX; ARCHITECTURE + PLUS, (WBE/FR), Austin, TX; THE BOMMARITO GROUP, INC., (WBE/FR), Austin, TX; MENDOZA

ARCHITECTURE, INC., (MBE/MH), Austin, TX; PARSHALL and ASSOCIATES ARCHITECTS (WBE/FR), Austin, TX; and HARRIS WELKER ARCHITECTS,(WBE/FR), Austin, TX, for professional architectural and/or interior design services to provide space planning for miscellaneous projects, for a period of approximately three years or until financial authorization is expended, in an amount not to exceed \$3,000,000, or with a total aggregate amount of the six agreements not to exceed \$3,000,000. Funding in the amount of \$3,000,000 is available in the Fiscal Year 2007-2008 Capital and/or Operating Budgets of the various departments for which the services are needed. Best six qualification statements of seven statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 14.2% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with the following six firms was approved: Laurie Smith Design Associates, Architecture + Plus, The Bommarito Group, Inc., Mendoza Architecture, Inc., Parshall and Associates Architects, and Harris Welker Architects d.

25. Authorize execution of an amendment to the professional services agreement with the following five firms: ENCOTECH ENGINEERING CONSULTANTS, INC. (88.94% MBE/MA), Austin, TX, WAUGH ENGINEERING (WBE 94.02%), Austin, TX, THE ARIZPE GROUP, INC. (95.87% MBE/MH), Austin, TX, F.E.U.L.S., INC., Austin, TX, CARTER and BURGESS, INC., Austin, TX, GOODWIN ENGINEERING, INC., Austin, TX, for professional mechanical, electrical and plumbing engineering services in the amount of \$250,000 for a total contract amount not to exceed \$1,150,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2007-2008 Capital and/or Operating and Maintenance Budgets of the Department of Public Works and various departments for which services are needed. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Encotech Engineering, Inc. (3.57% MBE, 7.49% WBE); Waugh Engineering (2.26% MBE, 3.72% WBE); The Arizpe Group, Inc. (0% MBE, 0% WBE); F.E.U.L.S., Inc. (0% MBE, 1.74% WBE); Carter & Burgess, Inc. (0% MBE, 13.83% WBE); Goodwin Engineering, Inc. (0.56% MBE, 1.48% WBE) subconsultant participation to date.

The motion authorizing the execution of an amendment to the professional services agreement with the following five firms was approved: Encotech Engineering Consultants, Inc., Waugh Engineering, The Arizpe Group, Inc., F.E.U.L.S., Inc., Carter and Burgess, Inc., and Goodwin Engineering, Inc.

26. Authorize award, negotiation, and execution of a 12-month requirements service contract with ARBORPRO URBAN FOREST MGT., Anaheim, CA, for a study to perform a 100% survey of City trees within main transit corridors and specified City Parks in an amount not to exceed \$92,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Energy Department. Best evaluated proposer of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by Urban Tree Task Force.

The motion authorizing the award, negotiation, and execution of a requirements service contract with Arborpro Urban Forest Mgt. was approved.

27. Authorize award, negotiation, and execution of a 24-month requirements service contract with ECP TECH SERVICES, INC., Houston, TX, for the performance of routine and emergency substation repair services and installation and upgrade on new and existing substation facilities in an amount not to exceed \$3,000,000, with three 12-month extension options in an estimated amount not to exceed \$1,500,000 per extension option, for a total estimated contract amount not to exceed \$7,500,000. Funding in the amount

of \$750,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding in the amount \$750,000 is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Funding for the remaining 12 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals of 14.1% MBE and 15% WBE subcontractor participation.

The motion authorizing the award negotiation and execution of a requirements service contract with ECP Tech Services, Inc. was approved.

28. Authorize award and execution of a contract with HATFIELD AND COMPANY, Austin, TX, for the purchase of an auxiliary cooling water strainer for the Decker Creek Power Plant in an amount not to exceed \$79,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract with Hatfield and Company was approved.**

29. Authorize award and execution of eight 24-month requirements supply contracts with MOORE MEDICAL, New Britain, CT in an estimated amount not to exceed \$212,733, SOUTHERN SAFETY SALES, Austin, TX in an estimated amount not to exceed \$273,825, TRI-ANIM HEALTH SERVICES, INC., Sylmar, CA in an estimated amount not to exceed \$239,652, ALLMED, Russelville, MO in an estimated amount not to exceed \$10,920, BOUND TREE MEDICAL, LLC, Dublin, OH in an estimated amount not to exceed \$47,571, McKESSON MEDICAL-SURGICAL, Inc., Richmond, VA in an amount not to exceed \$91,825, QUADMED, Inc., Jacksonville, FL in an amount not to exceed \$86,354, SUNBELT MEDICAL/EMERGI-SOURCE, Hilton Head Island, SC in an estimated amount not to exceed \$15,440, for medical supplies and medications. Each contract includes two 12-month extension options in estimated amounts equal to one-half of the original contract award. In addition, four items were identical bids between two bidders. Per Chapter 271.901 of the Local Government Code, the municipality must select from the identical bids by the casting of lots. The total award amounts listed will be adjusted based on the results of the casting of lots. Item numbers additionally awarded by the drawing of lots will be included in the contract award. Funding in the amount of \$163,052 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department. Funding in the amount of \$326,107 is available in the Fiscal Year 2007-2008 Operating Budget of the Emergency Medical Services Department. Funding for the remaining twelve months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of 10 bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of eight requirements supply contracts with Moore Medical, Southern Safety Sales, Tri-Anim Health Services, Inc., Allmed, Bound Tree Medical, LLC, McKesson Medical-Surgical, Inc., Quadmed, Inc. and Sunbelt Medical/Emergi-Source was approved. Following the State requirements for drawing of lots when there is a tie bid, the contract for Oral Airways Hudson sizes 6, 7, 8, and 10 was awarded to McKesson Medical-Surgical, Inc. Contract amounts will be adjusted accordingly.

30. Authorize award and execution of a 36-month requirements service contract with AUSTIN MIDNIGHT BASKETBALL, Austin, TX, for management and operation services of the midnight basketball program

for the Parks and Recreation Department in an estimated amount of \$216,600, with three 12-month extension options in an estimated amount of \$72,200 per extension option, for an estimated contract amount of \$433,200. Funding in the amount of \$72,200 is available in the Fiscal Year 2007-2008 Operating Budget of the Parks and Recreation Department. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Austin Midnight Basketball was approved.

31. Approve an ordinance denying a rate increase filing of Atmos Energy Corporation, Mid-Tex Division; requiring reimbursement of municipal rate case expenses; and providing notice.
Ordinance No. 20071018-031 was approved.
32. Approve issuance of a street event permit for the Mexic-Arte Dia De Los Muertos event, a fee paid fundraising event to take place in the 100 block of East 5th Street on Saturday October 27, 2007 from 7:00 a.m. to 11:59 p.m.
The motion authorizing the issuance of a street event permit for the Mexic-Arte Dia De Los Muertos event was approved.
33. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
This item was withdrawn.
34. Set a public hearing to receive citizen input regarding draft revised land management plans for the Balcones Canyonlands Preserves. (Suggested date and time: November 8, 2007, 6:00 p.m., Austin City Hall, 301 W. Second St, Austin, Texas.) (Mayor Will Wynn Council Member Jennifer Kim)
The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
35. Approve an ordinance naming the Austin City Hall Plaza the Dan H. Davidson Austin City Hall Plaza and waiving applicable requirements of Chapter 14-1 of the City Code. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)
Ordinance No. 20071018-035 was approved.
36. Approve a resolution adopting the Zero Energy Capable Homes Task Force Final Report to Council and directing the City Manager to timely bring forward those measures outlined in the Report necessary to meet the goal of achieving zero energy capability in all new single-family home construction in Austin by 2015. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Jennifer Kim)
Resolution No. 20071018-036 was approved.
37. Approve a resolution requiring compliance with the standards and principles of the City's Minority Owned and Women Owned Business Enterprise Procurement Program in third party agreements for the construction of public improvements or improvements to City real property, including developer participation contracts, economic development agreements, ground leases, and other third party agreements. (Council Member Jennifer Kim Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20071018-037 was approved.

38. Approve a resolution directing the City Manager to evaluate and update the City's practices, capabilities, and available resources for review and inspection of construction phase erosion and sedimentation controls, inspection of water quality ponds, and enforcement of maintenance requirements. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)
Resolution No. 20071018-038 was approved.
39. Approve a resolution supporting the planting of 57 trees in honor of our nation's veterans on November 10, 2007 at the Zilker Park Rock Garden. (Council Member Brewster McCracken Council Member Mike Martinez and Council Member Lee Leffingwell)
Resolution No. 20071018-039 was approved.
40. Approve waiver of Park rental fees for the Ending Community Homelessness Coalition's Stand Down event to be held on November 3, 2007 at the Oswaldo A. B. Cantu Pan American Recreation Center. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Council Member Mike Martinez)
The motion authorizing the waiver of park rental fees for the Ending Community Homelessness Coalition's Stand Down event was approved.
41. Approve waiver of the signature requirement under Chapter 14 of the Code for the Gazelle Foundation's 10 Miler to be held on November 11, 2007. (Mayor Will Wynn Council Member Jennifer Kim)
The motion authorizing the waiver of the signature requirement was approved.
42. Approve waiver of the signature requirement under Chapter 14 of the Code for the Susan B. Komen Race for the Cure to be held on November 4, 2007. (Mayor Will Wynn Council Member Lee Leffingwell)
The motion authorizing the waiver of the signature requirement was approved.
43. Approve an ordinance authorizing reimbursement of Park rental fees for the Texas Shootout Home Run Derby held on September 1st and 2nd, 2007 at the Krieg Softball Fields. (Council Member Brewster McCracken Mayor Will Wynn Council Member Jennifer Kim)
Ordinance No. 20071018-043 was approved.
44. Set a public hearing for the full purpose annexation of the following annexation areas: (1) Ribelin Ranch Area (Approximately 201 acres in Travis County north of FM 2222 approximately 205 feet east of the intersection of FM 2222 and McNeil Drive); (2) Coopers Meadow Area (Approximately 81 acres in southeastern Travis County south of State Highway 71 East approximately 606 feet west of the intersection of State Highway 71 East and Ross Road); (3) Grand Avenue Parkway Area (Approximately 567 acres in Travis County at the intersection of IH 35 North and Grand Avenue Parkway); (4) Cantarra Section One Area (Approximately 66 acres in Travis County north of Gregg Lane approximately 4,356 feet west of the intersection of Harris Branch Parkway and Gregg Lane); (5) Venue at Lake Travis Area (Approximately 85 acres in Travis County at the southwest corner of the intersection of RM 620 and Bullick Hollow Road); and (6) Residences at Onion Creek SMART Housing Area (Approximately 23 acres in Travis County at the northeast corner of the intersection of Brandt Road and East Slaughter Lane). (Suggested date and time: November 8, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.).
The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
45. Set a public hearing to consider variance requests by David Burnett and Dwane Ideker to allow construction of an addition to the single-family residence at 1111 Berger Street in the 25-year and 100-year floodplains of Tannehill Branch and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the existing and proposed structures. The

proposed construction is classified as "substantial improvements". (Suggested date and time: November 1, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for November 1, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

46. Set a public hearing to adopt an ordinance providing incentives for developers of S.M.A.R.T. (safe, mixed-income, accessible, reasonably-priced, transit-oriented) Housing and compliant with the City's green building standards; waiving fees; amending Section 25-9-347 of the code (Exemption for Certain Affordable Housing); and adding new Article 15 to Chapter 25-1 of the Land Development Code implementing recommendations of the Affordable Housing Incentive Task Force. Recommended by the Mayor's Committee for People with Disabilities; and, the Codes and Ordinances subcommittee of the Planning Commission. Reviewed by the Community Development Commission. To be reviewed by the Planning Commission on October 23, 2007; and, the Water and Wastewater Commission on October 24, 2007. (Suggested date and time: November 8, 2007, 6:00 p.m., Austin City Hall, 301 W. Second St., Austin, TX.)

The public hearing was set for November 8, 2007 at 2:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

47. Set a public hearing to consider an appeal by The Creek at Riverbend Homeowner's Association, of the Zoning and Platting Commission's decision to approve a Site Plan Extension for SPC-99-0227A and SP-03-0031B, located at 4339 Westlake Drive. (Suggested date and time: November 8, 2007, at 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.) The Zoning and Platting Commission approved staff recommendation to extend the life of the site plans three years on July 17, 2007. The site plans had already received a one year administrative extension.

The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

Item 48 was a briefing item set for 10:30 a.m.

Items 49 through 54 were Executive Session items.

Items 55 through 75 were zoning items set for 4:00 p.m.

Items 76 through 90 were public hearing items set for 6:00 p.m.

BRIEFING

48. Presentation on outcomes, initiatives, and future plans of WorkSource.

The presentation was made by Bill Imhoff, Chair of WorkSource, and Allen Miller, Executive Director of WorkSource.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:23 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 49. Discuss legal issues related to annexation of Anderson Mill Municipal Utility District, and the Strategic Partnership Agreement between the City and the District. (Anderson Mill MUD consists of 1105 acres located north of Anderson Mill Road at the intersection of U.S. Hwy. 183 and R.M. 620.) (Private Consultation with Attorney - Section 551.071).
- 50. Discuss legal issues relating to the proposed agreement with the Lower Colorado River Authority (LCRA) regarding future water supplies and the settlement agreement between the City and LCRA executed June 18, 2007. (Private Consultation with Attorney - Section 551.071)

Item 51 was discussed later in Executive Session.

- 54. Discuss legal issues related to negotiation of renewal of municipal franchise for Pedernales Electric Cooperative, Inc. (Private Consultation with Attorney - Section 551.071).
This item was withdrawn
- 91. Discuss legal issues related to the proposed ordinance amending the requirement for construction of sidewalks. (Private consultation with Attorney - Section 551.071) Related to item #84.
This item was withdrawn as part of the Consent Agenda action.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:09 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Robert G. McDonald - 2020 Vision, "Austin Host World Fair"

Richard Viktorin - Balcones Canyonlands Preserve

Jim Arnold - Austin City Limits & the Criminal Activity Associated with it.

G. Pena - City Issues, Crime, & Accountability of City Staff. **He was not present when his name was called.**

Jimmy Castro - North Burnet/Gateway Master Plan

CarolAnneRose Kennedy - MILLENNIUM CHRISTMAS

Lenora Givens - Discrimination by use of Code Enforcement. **She was not present when her name was called.**

Danielle Wang - Rescue Campaign

Yiqin Chen - Human Rights Torch Relay

James Hwang - Communist Government Spying on U.T. Campus

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:37 p.m.

EXECUTIVE SESSION CONTINUED

51. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).
This item was withdrawn.
52. Discuss legal issues related to the search for a new City Manager. (Private Consultations with Attorney - Section 551.071).
53. Discuss legal issues related to Responsible Growth For Northcross, Inc. v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD., Cause No. D-1-GN-07-001957 in the 200th Judicial District Court, Travis County, Texas, and Allandale Neighborhood Association v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD., Cause No. D-1-GN-07-002012 in the 98th Judicial District Court, Travis County, Texas (concerns site plan approvals by the City for Northcross Mall) (Private Consultation with attorney - Section 551.071)

Executive Session ended and Mayor Wynn recessed the Council Meeting at 1:50 p.m.

Mayor Wynn called the Council Meeting back to order at 4:12 p.m.

ZONING CONSENT ITEM

55. C14-07-0005 - Thaxton Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Southwest corner of Thaxton Road and Panadero Drive from interim single-family residence-standard lot (I-SF-2) district zoning and family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on September 27, 2007. Vote: 5-0 (Dunkerley and Kim off the dais.) Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20071018-055 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 5-0 vote. Council Members Cole and Martinez were off the dais.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.

57. C14H-06-0038 - Cranfill House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901 Cliff Street (Shoal Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay- neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-

NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicants: George and Mathilde Schade. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20071018-057 for family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved.

58. C14H-07-0013 - Goff-Radkey House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1305 W. 22nd Street (Shoal Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicants: Tim and Karrie League. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20071018-058 for family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved.

59. C814-90-0003.14 - Harris Branch PUD Amendment #14 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1375 U.S. Highway 290 East (Harris Branch, Gilleland Creek, and Decker Creek Watersheds) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Applicant: Austin HB Residential Properties (John McCullough). Agent: Minter, Joseph & Thornhill, P.C. (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20071018-059 for planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning was approved.

60. C814-91-0001.04 - Little Texas PUD Revision #4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6005 South Congress Avenue (Williamson Creek Watershed) from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Applicant: Cohen-Emmett Joint Venture (Cal L. Donsky). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20071018-060 for planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning was approved.

64. NPA-07-0017.01 - Austin Energy & Crestview Station - Conduct a public hearing and approve an ordinance amending Ordinance No. 041401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from Major Planned Development to Utilities for 7520-7530 N. Lamar Boulevard; and from Utilities to Mixed Use for 6909 Ryan Drive (Waller Creek Watershed). Staff Recommendation: To approve Utilities and Mixed Use designations. Planning Commission Recommendation: To grant

Utilities and Mixed Use designations. Applicant: Austin Energy and Crestview Station LLR Land LP. Agents: Lena Lund (Austin Energy) and Alice Glasco (Crestview Station LLR Land LP). City Staff: Kathleen Fox, 974-7877.

Action concerning the property at 6909 Ryan Drive was postponed indefinitely and removed from the agenda and action on the property at 7520-7530 North Lamar Boulevard was postponed to November 29, 2007 at the staff's request.

65. C14-2007-0094 - Justin Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6909 Ryan Drive (Waller Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: City of Austin, Austin Energy (Lena Lund). Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.
This item was postponed indefinitely and removed from the agenda at the staff's request.
66. C14-2007-0095 - Justin Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7520-7530 North Lamar Boulevard (Waller Creek Watershed) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin, Austin Energy. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to November 29, 2007 at the staff's request.
73. C14-95-0183(RCA) - Vina Plaza Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 12801 Harris Ridge Boulevard (Harris Branch Watershed). Staff Recommendation: To deny the amendment to the restrictive covenant. Zoning and Platting Commission Recommendation: Forward to Council without recommendation. Applicant: Ly & Nguyen, L.L.C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to November 1, 2007 at the neighborhood's request.
74. C14-2007-0087 - Vina Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12801 Harris Ridge Boulevard (Harris Branch Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Ly & Nguyen, L.L. C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to November 1, 2007 at the neighborhood's request.
75. C14-2007-0084 - Elm Terrace - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3215 Exposition Boulevard (Taylor Slough North Watershed) from unzoned to multi-family residence-limited density (MF-1) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Planning

Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Applicant: Austin Elm Terrace, L.P. (Steve D. Buerlein). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to November 29, 2007 with direction to the neighborhood and developer to select a mutually agreed upon facilitator for a meeting designed to work out the differences between the two.

ZONING DISCUSSION ITEMS

56. C14-2007-0138 - The Overlook at Saddle Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10633 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant: HMAP Development, Ltd. (Mark Musemeche). Agent: Chris Maxwell-Gaines, P.E. (Chris Maxwell-Gaines). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20071018-056 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved on Council Member Leffingwell's motion, Council Member Kim's second on a 6-0 vote. Council Member Martinez was off the dais.
61. NP-07-0024 - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Burnet/Gateway 2035 Master Plan. The Master Plan will serve as the Combined Neighborhood Plan for the area bounded by Metric Boulevard on the east, US 183 on the south and west, and Braker Lane, MoPac, and Walnut Creek on the north and northwest. (Recommended by Planning Commission).
The public hearing was closed and the first reading of the ordinance for the North Burnet/Gateway Master Plan was approved with the following amendments on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 5-0 vote. Council Members Kim and Martinez were off the dais. The amendments were as follows: 1) on the UT Western Tract allow Commercial Mixed Use standards, but do not allow destination retail. 2) When creating Phase Two regulations, reduce the minimum parking requirement to 30% of LDC Section 25-6 Appendix A (standard minimum off-street parking requirements). 3) Address safe bicycle connections from Shoal Creek Boulevard to the area north of U.S. 183. 4) Staff should provide City Council with a recommendation on various financing options for infrastructure improvements.
62. C14-2007-0157 - North Burnet/Gateway Neighborhood Master Plan Rezoning -City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area bounded by MoPac Expressway, Metric Boulevard, Highway 183/Research Boulevard, and Braker Lane (Shoal Creek; Walnut Creek, and Little Walnut Creek Watersheds) from Various to Phase I of the North Burnet/Gateway Master Plan Rezoning and application of NP overlay. Staff Recommendation: Phase I of the North Burnet/Gateway Master Plan Rezoning and application of NP overlay. Planning Commission Recommendation: Phase I of the North Burnet/Gateway Master Plan Rezoning and application of NP overlay. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.
The public hearing was closed and the first reading of the ordinance for Phase I of the North Burnet/Gateway Master Plan Rezoning and the application of the NP overlay was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.

- 63. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the City Code to create the North Burnet/Gateway Overlay District and to establish associated use and site development regulations. (Recommended by Planning Commission).
 The public hearing was closed and the first reading of the ordinance to create the North Burnet/Gateway (NB/G) Overlay district and establish associated Phase One site development regulations was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Jonas Alvarez

PROCLAMATIONS

Proclamation -- Red Ribbon Week -- to be presented by Mayor Will Wynn and to be accepted by Andres Guadiquata and Vaquetta Hudson

Proclamation -- Dyslexia Awareness Month -- to be presented by Mayor Will Wynn and to be accepted by Linda Gladden

Distinguished Service Award -- Sondra Creighton -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Distinguished Service Award -- Marty Terry -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Proclamation – National Animal Safety and Protection Month – to be presented by Council Member Lee Leffingwell and to be accepted by Michael Guerra

Mayor Wynn called the Council Meeting back to order at 6:39 p.m.

ZONING DISCUSSION ITEMS CONTINUED

- 67. NPA-07-0001.01 - Fort Magruder - Conduct a public hearing and approve an ordinance amending Ordinance No. 980827-B, the Dawson Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation from single-family to mixed use on the future land use map (FLUM) for the property located at 206-213 Dunlap Street, 3808, 3811, 3812, 3814, 3902, 3904 & 3906 Wadford Street, and 3907-A Reyna Street. Staff Recommendation: To grant mixed use designation for 207, 209, 211 and 213 Dunlap Street, 3811, 3902 3904 & 3906 Wadford Street; and 3907-A Reyna Street; and neighborhood mixed use for 206, 208, 210 and 212 Dunlap Street; and 3808, 3812 and 3814 Wadford Street. Planning Commission Recommendation: To grant mixed use designation for 207, 209, 211 and 213 Dunlap Street, 3811, 3902 3904 & 3906 Wadford Street; and 3907-A Reyna Street; and neighborhood mixed use for 206, 208, 210 and 212 Dunlap Street; and 3808, 3812 and 3814 Wadford Street. Applicant: Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
 The public hearing was closed and Ordinance No. 20071018-067 changing the land use designation to mixed use designation for 207, 209, 211 and 213 Dunlap Street, 3811, 3902 3904 and 3906 Wadford Street and 3907-A Reyna Street was approved. Action on 206, 208, 210 and 212 Dunlap

Street and 3808, 3812 and 3814 Wadford Street was postponed indefinitely on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-7 vote. Council Member Martinez was off the dais. Direction was given to staff to meet with the developer and the neighborhood and find a resolution that would allow for the item to come back to Council in the future.

68. C14-2007-0048 - Fort Magruder - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3811 Wadford Street (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Multiple Owners. Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
- The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with the following eligibility was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais. The property will be eligible for affordable housing density bonuses available for a vertical mixed use project.

DISCUSSION ITEMS CONTINUED

84. Conduct a public hearing and consider an amendment to Chapter 25-6 of the City Code, relating to sidewalks, to include a new variance process, new building permit requirements, and proposed fee-in-lieu process. Recommended by the Planning Commission.
- This item was postponed to December 6, 2007 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.
90. Conduct a public hearing and consider an amendment to City Code Sections 9-4-13 and 12-1-27 related to solicitation.
- This item was postponed to November 29, 2007 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

69. C14-2007-0104 - Cameron Business Park Revision Rezoning - Conduct a public hearing approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8405 Furness Street (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to townhouse and Condominium residence (SF-6) district zoning. Staff Recommendation: To deny townhouse and Condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and Condominium residence (SF-6) district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.
- The public hearing was closed and the motion to deny rezoning was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 5-0 vote. Council Members McCracken and Martinez were off the dais.
70. NPA-2007-023 - University Hills / Windsor Park Combined Neighborhood Plan (Tract 202, Tract 220, and Tract 220a) - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow

Comprehensive Plan by establishing a land use designation on the future land use map of civic for 7506 & 7560 Ed Bluestein Blvd (Tract 202), single family residential for 5301 Loyola Lane (Tract 220); mixed use for a 976x367 portion of 5301 Loyola Lane (Tract 220a). The combined planning area is bounded by IH-35 on the west, Highway 290 on the north, Highway 183 on the east and Manor Road and East 51st Street on the south. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

The motion to close the public hearing and establish on first reading the future land use map designation of Civic for Tract 202 (7506 & 7560 Ed Bluestein Blvd) was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

The motion to close the public hearing and establish on first reading the future land use map for Tract 220 (5301 Loyola Lane) for Single-Family Residential was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

The motion to close the public hearing and establish on first reading the future land use map for Tract 220a (976x367 portion of 5301 Loyola Lane) for Mixed Use was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

71. C14-2007-0006 - University Hills Neighborhood Plan Combining District (Tract 202) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning one tract locally known as 7506 & 7650 Ed Bluestein Blvd (Tract 202). The proposed zoning change would create the University Hills Neighborhood Plan Combining District and implement the applicable land use recommendations of the University Hills/Windsor Park Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following: Single Family Standard Lot (SF-2); Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

The motion to close the public hearing and approve on first readings the rezoning of Tract 202 (7506 and 7650 Ed Bluestein Boulevard) to LO-CO-NP with a Conditional Overlay that prohibits residential treatment facilities, height limit of 2 stories, 30 feet, and club or lodge use, was approved on Council Member Leffingwell's motion, Council Member Kim's second on a 6-0 vote. Council Member Martinez was off the dais.

72. C14-2007-0006.01 - University Hills Neighborhood Plan Combining District (Tracts 220 & 220A) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning two tracts locally known as 5301 Loyola Lane (Tract 220); and a 976x367 portion of 5301 Loyola Lane (Tract 220a). The proposed zoning change would create the University Hills Neighborhood Plan Combining District and implement the applicable land use recommendations of the University Hills/Windsor Park Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following: Single Family Standard Lot (SF-2); Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family

Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Adrienne Domas, 974-6355, Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance was approved rezoning the tracts with prohibited uses as follows.

Tract 220 (5301 Loyola Lane) was rezoned to SF-3-NP with residential infill with the following uses on Mayor Pro Tem Dunkerley’s motion, Council Member Cole’s second on a 6-0 vote. Council Member Martinez was off the dais.

Tract 220A 976 feet by 367 feet portion of lot at 5301 Loyola Lane was rezoned to GR-MU-NP with a Conditional Overlay on Mayor Pro Tem Dunkerley’s motion, Council Member Cole’s second on a 6-0 vote. Council Member Martinez was off the dais.

The prohibited uses are: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services – PC, commercial off-street parking, drop-off recycling collection facility, exterminating services, pawn shop services, research services, service station, custom manufacturing, residential treatment, telecommunication tower-PC, and mobile home sales or recreational vehicle sales. Staff recommended removing group home, class II from the prohibited uses list.

PUBLIC HEARINGS

- 82. Conduct a public hearing and approve a resolution re-authorizing the Austin Downtown Public Improvement District (PID). PID Assessments (not to exceed \$0.10 per \$100 evaluation), City of Austin annual contributions not to exceed \$150,000, and DAA memberships.
The public hearing was closed and Resolution No. 20071018-082 was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-0 vote. Council Member Martinez was off the dais.

DISCUSSION ITEM CONTINUED

- 3. Approve an amendment to the contract with Austin DMO, Inc. (dba Downtown Austin Alliance) for management of services funded through the Austin Downtown Public Improvement District (PID), to extend the term of the contract for an additional five years, in an amount not to exceed \$3,000,000 per year. The DAA will be funded by the Austin Downtown PID Assessments (\$0.10 per \$100 evaluation), interest accrued in the PID account, and City of Austin annual contribution (not to exceed \$150,000 annually). DAA Service Plans and Budgets and the PID Assessment Roll is subject to Council approval on an annual basis.
The motion authorizing an amendment to the contract with Austin DMO, Inc. was approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 6-0 vote. Council Member Martinez was off the dais.

PUBLIC HEARINGS CONTINUED

83. Conduct a public hearing to receive public comment regarding a proposed long-term water supply agreement between the City of Austin and the Lower Colorado River Authority (LCRA) to increase the firm water supply available to Austin by an additional 250,000 acre-feet/year through the year 2100 pursuant to the Settlement Agreement executed on June 18, 2007 between the City and LCRA. No fiscal impact. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on October 16, 2007 and by the Environmental Board on October 17, 2007. Recommended by both the Resource Management Commission and the Environmental Board with conditions. Related to item #50.
The public hearing was closed on Council Member Leffingwell's motion, Council Member Kim's second on a 6-0 vote. Council Member Martinez was off the dais.
86. Conduct a public hearing and consider an amendment to Chapter 25-12, Article 6 of the City Code (Plumbing Code) relating to water conservation, permitting, reclaimed water systems and gas piping. Recommended by the Mechanical, Plumbing and Solar Board. The water conservation portion of the code was recommended by the Citizens Water Conservation Committee and the Resource Conservation Commission.
The public hearing was closed and Ordinance No. 20071018-086 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
89. Conduct a public hearing and consider an amendment repealing and replacing Chapter 25-12, Article 11 of the City Code to adopt the International Residential Code, 2006 Edition, and local amendments. Recommended by the Mechanical, Plumbing and Solar Board; and, the Building and Fire Code Board of Appeals.
The public hearing was closed and Ordinance No. 20071018-089 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.
85. Conduct a public hearing and consider an amendment to Section 25-12-113 and Section 25-12-114 (Electrical Code) of the City Code relating to special inspections, homestead permits, and the installation of type Metal Clad (MC) Cable. Recommended by the Electric Board.
The public hearing was closed Ordinance No. 20071018-085 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.
87. Conduct a public hearing and consider an amendment repealing and replacing Article 8 of Chapter 25-12 of the City Code (Solar Energy Code) to adopt the Uniform Solar Energy Code, 2006 Edition, and certain local amendments to the 2006 Uniform Solar Energy Code. Recommended by the Mechanical, Plumbing and Solar Board.
The public hearing was closed and Ordinance No. 20071018-087 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.
88. Conduct a public hearing and consider an amendment repealing and replacing Article 12 of Chapter 25-12 of the City Code (Energy Code) to adopt the 2006 edition of the International Energy Conservation Code (IECC) and local amendments. Recommended by the Mechanical, Plumbing and Solar Board; and the Building and Fire Code Board of Appeals.

The public hearing was closed and Ordinance No. 20071018-088 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a vote. Council Member Martinez was off the dais.

- 76. Conduct a public hearing for the full purpose annexation of the Barton Creek Greenbelt Area (Approximately 35 acres in Travis County at the southeast corner of Loop 360 and Loop 1)
The public hearing was closed on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.
- 77. Conduct a public hearing for the full purpose annexation of the Morningside Area (Approximately 23 acres in southern Travis County east of Manchaca Road at the intersection of Manchaca Road and Becca Road).
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.
- 78. Conduct a public hearing for the full purpose annexation of the Rancho Alto V Area (Approximately 11 acres in southern Travis County south of Frate Barker Road and west of Rancho Alto Road).
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.
- 79. Conduct a public hearing for the full purpose annexation of the Vaught Ranch Area (Approximately 99 acres in Travis County south of FM 2222 east of the intersection of FM 2222 and Vaught Ranch Road).
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.
- 80. Conduct a public hearing for the full purpose annexation of the Walnut Creek Parkland Area (Approximately 135 acres in Travis County south of Old Manor Road and west of Daffan Lane).
The public hearing was closed on Council Member Cole's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved without objection on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second.

- 81. Conduct a public hearing for the full purpose annexation of the Michener Storage Facility Area (Approximately 21 acres in Travis County west of Harris Branch Parkway and north of Parmer Lane).
The public hearing was closed on Council Member Cole's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Wynn adjourned the meeting at 10:03 p.m. without objection.

The minutes for the Regular Meeting of October 18, 2007 were approved on this the 1st day of November, 2007 on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.